

FILED UNDER SEAL

**EXHIBIT 1
TO THE DECLARATION
OF LARRY ALTENBRUN
IN SUPPORT OF
DEFENDANT POND5'S
MOTION FOR
ATTORNEYS' FEES AND
COSTS**

From: Gordon Hempton [gordon@soundtracker.com]
Sent: Wednesday, August 10, 2016 11:43 AM
To: 'Nicholas Sherman'
Subject: RE: talk soon?

Hi Nick,

I love hearing about vacations where people don't answer emails and sometimes not even the phone. When I retire I won't even have an email address. :)

Glad to hear your darling family is doing well—you guys are blessed.

Next week is a busy time in NYC regarding my case against Pond5. I believe I have a solid case but solid does not make it easy—this is very time consuming and has caused substantial delays in my completion of Quiet Planet.

The week after that (Aug. 22-26th) is good for talking on the phone, or weekend of 27/28 might even be better so it can be long and relaxed. I am not sold on whether or not the topic would make a popular film (you're the judge of that), but I think it is worth discussing so we don't let this opportunity pass us by if it's a good one.

You're familiar with my work, so no explanation needed. But now, at the end of my career and after four years in production producing my opus, Pond5 was caught selling my work that was posted by a pirate living in Pakistan.

Pond5 says the Digital Millennium Copyright Act gives them safe harbor and my lawsuit should be dismissed. I say, no, not true and point to why. I don't expect to settle out of court. Court is March, 2017, when an all star cast of expert witnesses will outline just how difficult it is to find pristine nature and how useful these sounds are to the industry—hence, valuable.

I see this as a global film. Maybe shoot in NY (Pond5 corporate headquarters) to see if they are willing to go on camera to load up on double-talk, then shoot in Pakistan and film pirate Hassan Kahn tell his story, and of course shoot at courthouse steps during the trial, especially the lineup of expert witnesses who will testify on a variety of subjects that give depth to the subject.

I see the film an almost crazy collage of places and moments that cuts back and forth between deep wilderness experience where we are all alone, the noisy modern world where being alone isn't possible. We listen to nature sooth and relax our souls and we listen to sugar coated corporate greed speak about laws that make selling pirated work possible. Is there a message to all of this? Not sure. I think that it is just because our cities don't look or sound like a wilderness, it doesn't mean it isn't.

I'm rambling now, I think you get the idea.

Last weekend in August work for you?

Best,
Gordon

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